

LAND AND WATER CONSERVATION FUND

GRANTS – IN – AID

APPLICATION GUIDELINES



UTAH DIVISION OF PARKS AND RECREATION

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SEND LWCF APPLICATIONS TO:

Utah Division of Parks and Recreation
Attn: LWCF Grants
1594 West North Temple, Suite 116
PO Box 146001
Salt Lake City, UT 84114-6001

INTRODUCTION

PURPOSE

The Land and Water Conservation Fund grant program (P.L. 88-578) was established to encourage and assist local and state government agencies in creating new and expanded high-quality public outdoor recreation areas and facilities by providing (1) for statewide planning and (2) for financial assistance. The program became effective January 1, 1965. It is financed primarily from revenues derived from Outer Continental oil and gas leasing and is appropriated by Congress. This is a federal grant to the State of Utah that is sub-granted to local governments for specific outdoor recreation projects.

SCOPE OF GRANTS

Assistance may be provided for acquisition of real property for public outdoor recreation use and/or development of outdoor recreation facilities on property owned by the applicant. Projects should serve the needs of the general public rather than special interest groups.

TERMS

Grants require at least a 50% state or local match. Approved projects are funded on a cost reimbursement basis. Eligible projects must be in accordance with the Statewide Comprehensive Outdoor Recreation Plan (SCORP). The applicant must agree to permanently dedicate approved projects sites for public outdoor recreation use and accept responsibility for the operation and maintenance of the facilities.

ELIGIBILITY REQUIREMENTS

ELIGIBLE PARTICIPANTS

1. State agencies
2. Counties
3. Incorporated cities and towns
4. Special improvement or service districts
5. Federally recognized American Indian Tribes

ELIGIBILITY REQUIREMENTS

ACQUISITION PROJECTS

1. All projects involving land acquisition are subject to the provisions of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," as amended (P.L. 91-646). Failure to comply with P.L. 91-646 may result in project ineligibility for LWCF assistance. This Act deals with two major areas of concern:

The establishment of uniform policies and procedures that must be followed when acquiring real property so that all persons receive fair and equitable treatment and be offered the fair market value for their property as determined by a competent appraiser.

The establishment of a uniform policy for fair and equitable treatment of persons who must relocate their homes, farms or businesses as a result of a federal or federally assisted action.

2. In order to comply with P.L. 91-646, the following steps should be taken:

- a. Initial contact is made with the property owner. No price is negotiated at this time.
- b. An appraisal is completed by a qualified appraiser using standards that are in accordance with the current "Uniform Appraisal Standards for Federal Land Acquisitions".
- c. The owner must be given the opportunity to accompany the appraiser during inspection of the property. This should be documented by the appraiser in his report or by the acquiring agency.
- d. Abbreviated appraisals may be made for acquisitions, which are less than \$25,000. Forms for these can be obtained from the Utah Division of Parks and Recreation upon request. Appraisals for more than \$25,000 must be an analytical narrative report involving the application of standard techniques, such as comparative or market value, cost less depreciation, and income approaches to value.
- e. The owner must be advised in writing of the fair market value of his property and of his rights concerning relocation and replacement housing assistance if applicable. A written offer to purchase should then be made at the approved appraisal value. Forms for the offer to purchase and statement of just compensation are available upon request.
- f. A minimum one-year option should be secured based on the appraised value, prior to making application for LWCF assistance. An option agreement may constitute an acceptable written offer to purchase if it is made at the appraised value.
- g. Only in unusual circumstances may acquisitions at less than fair market value be eligible. If an owner has been offered the fair market value for his property but desires to sell for less, the seller must provide a written waiver of his right to just compensation, indicating the reasons for accepting less. Waiver forms are available upon request.
- h. No retroactive acquisition costs are eligible for grant assistance, with the exception of option payments that may be used against the purchase price upon acquisition.
- i. The owner must be reimbursed for certain costs of acquisition, such as title insurance and transfer fees.
- j. If displacement of any person will result from this action, P.L. 91-646 requires that written notification be given to the occupants, at the time negotiations begin, that advises them of

their rights and entitlements. Owner-occupants and renters are entitled to certain financial aid as a result of their forced relocation.

3. Acquisitions that are not eligible for assistance include the following:
 - a. Acquisition of an historical structure where the principal interest is in the structure itself, and the structure does not otherwise contribute to outdoor recreation.
 - b. Acquisition of property as part of a larger project where public outdoor recreation use cannot be identified within the particular tract itself.

ELIGIBILITY REQUIREMENTS

DEVELOPMENT PROJECTS

1. Participants must own title to the land on which development will occur.
2. Development plans should be based on the needs of the public. Facilities should be attractive and consistent with the setting. Depending on the nature and location of the project, improvements and structures should be designed as much as possible to be in harmony with the natural environment.
3. Compliance with P.L. 91-646, "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", is required for development of project sites acquired after January 2, 1971. A statement of compliance with this Act is required as part of the application for grant assistance.
4. Assistance may be available for development of a broad range of public outdoor recreation facilities; however, projects that are not eligible for grant assistance include the following:
 - a. Restoration or preservation of historic structures; however, outdoor recreation facilities and their support facilities in conjunction with historical structures or sites may be eligible for assistance.
 - b. Development of areas and facilities to be used primarily for semi-professional or professional arts and athletics, such as professional type outdoor theatres and rodeo arenas.
 - c. Development of amusement facilities (such as merry-go-rounds, ferris wheels, children's railroads, pioneer towns, livestock and produce exhibit facilities and allied exhibit type developments), convention facilities, commemorative exhibits, or the construction of facilities, including their furnishings, that are only marginally related to outdoor recreation.
 - d. Construction of and furnishings for employee residences.
 - e. Construction or renovation of lodges, motels, luxury cabins, or non-austere cabins. However, cabins and group camp dormitories of a simple, austere design may qualify. If the group camp facilities are to be designated for specific groups or if specific groups will be given priority use, the development does not qualify for assistance. An example would be an area designed specifically for Boy Scout use.
 - f. Development projects in new or previously undeveloped recreation areas that consist solely of support facilities, unless it is clearly indicated in the project proposal that they are required for proper and safe use of an area that does not require additional outdoor recreation facilities to be functional (such as construction of restrooms at a public nature study area), or that necessary outdoor recreation facilities are being developed concurrently without grant assistance.
 - g. Support facilities, such as roads and sewer systems, exclusively to serve ineligible facilities. However, if the support facilities will serve both eligible and ineligible facilities, the cost may be prorated between the two uses.

- h. Development of nature and geological interpretive facilities that go beyond interpreting the project site and its immediate surrounding area.
 - i. Development of outdoor recreation and outdoor recreation support facilities for which an Exhibit "R" of a utility company's license application, filed with the Federal Power Commission, indicates are to be developed without Federal financial assistance.
 - j. Development of school athletic facilities, such as stadiums, running tracks for interscholastic athletics, and athletic fields with grandstands or more bleacher capacity than would normally be required for non-interscholastic athletic use.
 - k. Enclosed recreation facilities, with the exception of support facilities, swimming pools and ice rinks.
5. The "Flood Disaster Protection Act of 1973", P.L. 93-234, requires the purchase of flood insurance as a condition of receiving any Federal assistance in a flood plain area, identified as such by the Federal government as an area that has special flood hazards, and located within a community currently participating in the National Flood Insurance Program. Insurable improvements are restrooms, bathhouses, interpretive buildings and maintenance buildings.
6. Land and Water Conservation Fund projects must be designed and constructed to comply with the "Uniform Federal Accessibility Standards". Compliance with the Architectural Barriers Act of 1968, 42 U.S.C. 4151-4157, Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 792, is mandatory.
7. All new utility lines within the project site must be placed underground. Existing lines under 15 KV may be placed underground with grant assistance as part of the application proposal.

OPERATION AND MAINTENANCE OF PROJECT SITES

Property acquired or developed with assistance from the Land and Water Conservation Fund shall be permanently dedicated for public outdoor recreation use. Any change from public outdoor use will constitute a conversion of use as outlined in Section 6(f) of the Land and Water Conservation Fund Act, and will require replacement of the facility in accordance with Department of Interior guidelines.

Property acquired or developed with assistance from the LWCF shall be operated and maintained as follows:

1. The property shall be maintained so as to appear attractive and inviting to the public.
2. Sanitation and sanitary facilities shall be maintained in accordance with applicable state and local public health standards.
3. Properties shall be kept reasonably safe for public use. Fire prevention, safeguard, and similar activities shall be maintained to prevent loss of lives to users.
4. Buildings, roads, and other structures and improvements shall be kept in reasonable repair throughout their estimated life so as to prevent undue deterioration and not to discourage public use.
5. Facilities shall be open to the public during reasonable times and seasons.
6. Properties acquired or developed with grant assistance shall remain free from overhead utility lines. All electrical lines shall be placed underground.

INSTRUCTIONS FOR MAKING APPLICATION

An application form is provided which includes the basic information required for grant approval. Please fill this form out completely. Incomplete information will only detract from your chances of receiving grant approval.

Be specific when identifying the source of your local matching funds. The local match must at least equal the federal assistance being requested. Also, donations other than real property should not exceed 25% of the total project cost (half the local match) for application purposes.

Additional information and attachments are required as explained on the application form. Some of the forms mentioned are provided and require only signatures. Others require some planning and careful thought. Remember, your project will be competing with many others from all around the state. Be thorough, but as concise as possible.

For additional information and assistance please call (801) 538-7354.

DIVISION UTAH STATE PARKS AND RECREATION

STATEMENT OF COMPLIANCE

PUBLIC LAW 91-646

Project Title _____

This document is to be completed for all development projects when matching assistance is requested from the Land and Water Conservation Fund. Please check the statement that applies to you project.

- _____ 1. The project property was acquired more than five (5) years before the date of LWCF grant application.
- _____ 2. The project property was acquired more than two (2) years, but less than five (5) years, before the date of grant application. (Complete the certification at the bottom of the page.)
- _____ 3. The project property was acquired by donation from: _____, donor.
- _____ 4. The project property was acquired within the two (2) years preceding the date of application and the assurances required by sections 210 and 305 of P.L. 91-646 are attached hereto, or the certification below is completed.

(Signature) (Title) (Date)

If items 2 or 4 are checked, please complete the following certification:

I, _____, _____,
(Name) (Title)

hereby certify, under penalty for willful misstatement (18 U.S.C. 101), that at the time of the acquisition and last known displacement on the project lands for which this federal financial assistance is being sought, no planning had been initiated by this agency to obtain this financial assistance.

(Signature)

(Date)

Applications are due by October 15, 2004

Utah State Parks and Recreation
Attn: LWCF Grants
1594 West North Temple, Suite 116
P.O. Box 146001
Salt Lake City, UT 84114-6001

APPLICATION FORM

LAND AND WATER CONSERVATION FUND MATCHING GRANT

Applicant Name: _____ Project Name: _____

Applicant Address: _____

Contact Person: _____ Telephone: _____

Project Type: _____ Acquisition _____ Development _____ Combination

Total Estimated Project Cost: \$ _____

Federal LWCF Assistance Requested: \$ _____
(May not exceed 50% of Total Project Cost)

Source of Local Matching Funds:

General Fund	\$ _____
Bonding	_____
Special Taxes or Fees	_____
Donations	_____
Other (explain) _____	_____

Briefly describe the project and proposed activities: _____

Estimated starting date: _____ Estimated completion date: _____

Who owns the project site? _____ When was it acquired? _____

Number of acres to be developed or acquired by this proposal: _____

Total number of acres currently dedicated for recreation: _____

Is the project located in a designated flood hazard area? _____ Is the project covered by flood insurance? _____

Are there any hazardous wastes located on or near the project area? _____ If yes, please explain: _____

What recreation programs does the applicant provide? _____

Will any part of this project be financed through the sale of existing recreation property? _____

Will this project replace any existing recreation site? _____ If yes, please explain: _____

Estimated annual operation and maintenance costs of this project: _____

What primary area(s) will be served by this project? _____

Is this proposal covered by a local survey/needs assessment or master plan? _____ If yes, please enclose a copy.

Schedule for land acquisition projects only:

<u>Code</u>	<u>Owner's Name</u>	<u>Acres</u>	<u>Anticipated Acquisition Date</u>	<u>Value of Land</u>	<u>Value of Improvements</u>	<u>Total Cost</u>
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Code:	A. Negotiated Purchase	B. Donation	C. Condemnation
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Is there an option agreement or similar agreement for purchase of the property? _____ If yes, please enclose a copy.

Will displacement and relocation occur? _____

List numbers to be displaced and relocated: Families _____ Businesses _____ Farms _____

Do you agree to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Public Law 91-646) _____

What, if any, anticipated revenue will the applicant receive from the property prior to its development for recreation? (Sale of crops or improvements, rentals, leases, fees, etc.) _____

What will be the interim use of the property prior to development? _____

When will development of acquired property begin? _____

CERTIFICATION:

I certify that I am authorized to sign this application; that this application is being submitted pursuant to official action of the governing body of the applicant; and that the information herein provided is, to the best of my knowledge, true and accurate. I further certify that the applicant has the necessary financial resources to fulfill all obligations relative to this project including the cost of operation and maintenance.

(Signature)

(Title)

(Date)

ATTACHMENTS:

DEVELOPMENT PROJECTS

Three copies of the following information must be submitted for all proposed development projects:

1. **PROGRAM NARRATIVE AND PROJECT JUSTIFICATION STATEMENT:** Prepare this narrative in accordance with the following outline:
 - A. **Objective and Need for Assistance:** Describe the proposed project. Discuss the objective of the project and how it relates to local recreation issues, needs and problems. Indicate the relationship between the project and local planning and/or needs assessment.
 - B. **Recreation Participation Benefits:** Discuss local recreation programs and how this project may benefit these programs. Include information on potential users, cross-section of population served, and time of year when the facilities will be used.
 - C. **Parks and Recreation Inventory:** Provide a list of parks and recreation sites within your jurisdiction. Include the name of park or facility, address or location, size, and type(s) of activities.
 - D. **Environmental Information:** Describe in general terms any positive or negative environmental impacts of the proposed project. If there are negative impacts, indicate proposed mitigation measures.
2. **MAPS AND PLANS:** These must be drawn to scale, preferably 8.5" x 11" or 11" x 17", but no larger than 24" x 36 "
 - A. **City/County Map:** This map should show the geographic location of the project and include identification of streets and access roads. Also identify any other near-by public outdoor recreation facilities.
 - B. **Project Boundary Map:** The project boundary map identifies the area which is to be permanently dedicated for public outdoor recreation under provisions of Section 6(f)(3) of the Land and Water Conservation Fund Act. At a minimum, the boundary must encompass a viable public outdoor recreation area that is capable of being self-sustaining without reliance upon adjoining areas not identified in the scope of the project. Generally this will be the park, open space, or recreation area being developed or added to. The project boundary must be clearly delineated in sufficient detail so as to be legally adequate in identifying the land(s) to be afforded Section 6(f)(3) protection. Boundary maps should show number of acres and deed references, adjoining ownerships, metes and bounds, or similar means of identification. Also include information regarding known outstanding rights, easements, deed restrictions, reversionary interests, and etc.
 - C. **Master Plan:** Master plan for proposed project site should show existing, proposed, and future outdoor recreation, indoor recreation, and non-recreation developments. It should also identify existing roads and overhead transmission lines.
 - D. **Buildings Plans:** Provide elevation and floor plans for any proposed buildings such as restrooms or picnic pavilions. All facilities must be designed to comply with the Architectural Barriers Act of 1968 (Public Law 90-480), Americans with Disabilities Act of 1990, and DOI Section 504 Regulations (43 CFR Part 17).
3. **DETAILED COST ESTIMATES:** Provide detailed cost estimates for each work element included in the project proposal. Only items listed in this cost estimate will be eligible for cost sharing. It is important that total costs be estimated as accurately as possible.

4. **STATEMENT OF COMPLIANCE:** Provide a signed Statement of Compliance with Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

5. **MINUTES OF OFFICIAL MEETING:** This proposal must be approved by the applicant agency at a legal meeting and be so recorded in it's minutes. Minutes should show that the application is being submitted by official action of the governing body of the applicant, that the applicant has resources to finance it's share of the project cost, and that the applicant will bear the cost of operation and maintenance of the completed project.

6. **AGREEMENTS WITH OTHER ENTITIES:** If applicable, submit agreements with any other agency, organization, or individual that may participate in this project or be involved in future operation or maintenance.

LAND ACQUISITION PROJECTS

In addition to information required for development projects, acquisition projects require an appraisal prepared by a qualified appraiser in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions". It is also recommended that there be an option to purchase or similar agreement. It should be at least a one-year option based on the appraised fair market value of the property. Only in unusual circumstances will real property be acquired at less than appraised value. If this occurs, there must be evidence that the owner was provided with a written offer to purchase for the fair market value, but was willing to sell for less.